

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 305 CS Wireless Emergency Telephone System
SPONSOR(S): Littlefield
TIED BILLS: **IDEN./SIM. BILLS:** SB 620

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Utilities & Telecommunications Committee</u>	<u>11 Y, 0 N, w/CS</u>	<u>Cater</u>	<u>Bohannon</u>
2) <u>Local Government Council</u>	<u></u>	<u></u>	<u></u>
3) <u>State Administration Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Commerce Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill relates to various aspects of wireless emergency telephone systems. As recommended by the Auditor General, the bill removes from the duties of the Auditor General annual audit of the Wireless Emergency Telephone System Fund. The bill fixes a "glitch" from the 2003 rate rebalancing bill that allows the Florida Public Service Commission (PSC) to impose a regulatory assessment fee on wireless providers. The bill also deletes obsolete language in s. 365.171(13)(a)6, F.S., relating to a pilot project that ended June 30, 2003, and the bill removes nonemergency 311 systems and similar nonemergency systems as expenses for which 911 fees may be used.

The bill substantially amends s. 365.172, F.S. (wireless emergency telephone number "E911"). Subsection 365.172(3), F.S., is amended to add various terms with definitions to be used in this section, s. 365.173 (wireless emergency telephone system fund), and s. 365.174, F.S., (proprietary confidential business information). Subsection 365.172(6), F.S., amends the authority of the Wireless E911 Board (Board) to allow the Board to use the revenue collected and deposited into the fund for grants to rural counties and loans to medium counties to upgrade their E911 systems, under certain circumstances. The Board is also authorized to hire an executive director, and via bid, a private attorney for legal services.

Consistent with Attorney General Opinion #8729, subsection 365.172(8), F.S., is amended to clarify that the wireless E911 fee is not imposed on state and local governments.

Subsection 365.172(11), F.S., is amended to provide intent language that conveys the need for balance between reliable E911 services and governmental zoning and land development regulation; limiting the meaning of "local government" by excluding airports; excluding local government actions as property or structure owners in the use of property or structure owned by such entity for wireless communications facilities. The subsection amendments also clarify and divide the existing provisions relating to collocation into three types: 1) under certain circumstances, on existing towers; 2) under certain circumstances, on existing structures; 3) all other collocations.

The bill clarifies the local government review process for land development and construction regulations for wireless facilities, as well as, the application for the placement, construction or modification of a wireless communication facility. Additionally, actions on wireless facilities brought in court or other appropriate venue, following exhaustion of all administrative remedies, shall be considered on an expedited basis.

The bill modifies s. 365.173, F.S., to require counties to establish a fund to be used exclusively for the receipts and expenditures associated with wireless E911.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0305a.UT.doc
DATE: 3/16/2005

This act shall take effect on July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill gives the Wireless 911 Board the authority to hire an independent executive director and an outside attorney. The bill provides that local governments cannot place any stricter requirements on wireless telecommunications facilities than it does for any similar land use.

Maintain Public Security: The bill is intended to facilitate the implementation of wireless E911, making it easier to reach emergency services.

B. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Federal Rules

The Federal Communications Commission (FCC) has established rules concerning 911 services from wireless providers.¹ The FCC has established a two-phase program for enhanced 911 (E911) services from wireless phones. The phases are as follows:

Phase I-Within six months of a request, a wireless provider must be able to provide the Public Safety Answering Point (PSAP) with the telephone number of the call originator and the location of the cell site or base station receiving the call from a mobile handset.²

Phase II-Requires wireless providers to provide location information within 50 to 300 meters, depending on the technology being used. The FCC has set December 31, 2005, as the nationwide completion date for Phase II wireless E911 service.³

Statutory History

In 1999, the Legislature created s.365.172, F.S., known as the Wireless Emergency Communications Act⁴ (Act) to address issues pertaining to wireless communications and the 911 system. The Act created the Wireless E911 Board (Board) to administer the wireless E911 fees that are established in the Act.

Additionally, the 1999 Legislature created the Wireless Emergency Telephone System Fund (Fund) in s. 365.173, F.S.⁵ to administer the revenues and distribution of monies collected pursuant to s. 365.172, F.S. This statute provided a breakdown as to how the monies should be distributed and allowed counties to carry forward, for up to three successive calendar years, up to 30 percent of the funds disbursed for that county for capital outlay, capital improvements, or equipment replacements. This statute required the Auditor General to annually audit the fund.

¹ See generally, s. 47 C.F.R. 28.18

² 47 C.F.R. s. 20.18(d)

³ 47 C.F.R. s. 20.18(g)(1)

⁴ Ch. 99-367, Laws of Florida

⁵ Ch. 99-203, Laws of Florida

In 2003, s. 365.172, F.S. was amended.⁶ Language was added regarding the collection of the fee from prepaid wireless customers. The statute gave the Board the authority to: 1) provide technical assistance concerning the deployment of the 911 system, 2) provide for educational opportunities related to 911 issues for the 911 community, 3) be an advocate for 911 issues, and 4) to work cooperatively with the system director to enhance 911 services and provide unified leadership on 911 issues.

Additionally, the 2003 law created s. 365.174(11), F.S., concerning the facilitation of wireless E911 service implementation. The law:

- Encourages collocation among wireless providers by making the collocation of wireless facilities exempt from land development regulations pursuant to s. 163.3203, F.S., provided that the height of the structure does not increase. Construction of the facility is still subject to existing permits and local building regulations.
- Prohibits local governments from requiring wireless providers to provide evidence of compliance with federal regulations, except for FCC licensure. The local government may request that the FCC provide information as to the provider's compliance with federal regulations, as authorized by federal law.
- Requires a local government to grant or deny a properly completed application for the collocation of wireless facilities within 45 business days, provided that the application complies with local zoning ordinances, land and building regulations, including aesthetic requirements.
- Requires a local government to grant or deny a properly completed application for a new wireless facility within 90 business days, and requires the permit to comply with federal, local, land, and building regulations, including aesthetic requirements.
- Requires local governments to notify applicants as to whether or not their application was properly submitted within 20 business days. Such determination shall not be deemed as an approval of the application, however, the notification shall indicate with specificity any deficiencies which, if cured, shall make the application properly completed.
- Deems approved properly completed applications that are not timely granted or denied, but provides for an extension to the next regularly scheduled meeting if local government procedures require action by its governing body.
- For the waiver of a timeframe to be effective, it must be voluntarily agreed to by the applicant and the local government; except that a one time waiver may be required in the event of a declared emergency that directly affects the administration of all permitting activities of the local government.
- Any additional facilities required at a secured equipment compound to meet federal Phase II E911 requirements are deemed a permitted use or activity, but local land development and building regulations apply, including aesthetic requirements.
- Required the Department of Management Services (DMS) to negotiate leases for wireless communications facilities to be placed on state-owned property not acquired for transportation purposes and for the Department of Transportation (DOT) to negotiate leases for wireless communications facilities to be placed on state owned rights-of-way.
- Required wireless providers to report to the Board by September 1, 2003, any unreasonable delays experienced within counties or municipalities and the applicable county or municipality. It allows the Board to establish a subcommittee, consisting of representatives from the wireless industry, cities, and counties, in order to institute a balance between the provider's responsibilities and county or municipal zoning and land use requirements.

⁶ Ch. 2003-182, Laws of Florida

- Required the subcommittee to develop recommendations for the Board and municipalities and counties to consider for complying with federal Phase II E911 requirements. The recommendations were to be included in the Board's annual report to the Governor and Legislature which was filed on February 28, 2004.

February 2004, Wireless E911 Board Annual Report

According to the Board's February 2004, Annual Report, the Board received 19 reports⁷ of unreasonable delay in complying with federal Phase II E911 requirements. The Board established a subcommittee to develop recommendations addressing the various issues brought up by the industry. Based on the reports, supplemental reports, local government responses, and mini-hearings, the subcommittee determined that there was not any consistency or statewide problem causing unreasonable delays in the implementation of telecommunications facilities. The report provides the subcommittee's recommendation for each of reports.

PROPOSED CHANGES

Section 1.

Auditor General Duties

As recommended by the Auditor General, the bill amends s. 11.45, F.S., to remove paragraph (e) that deletes from the duties of the Auditor General annual audit of the Wireless Emergency Telephone System Fund. All subsequent paragraphs are renumbered (f) through (i).

Section 2.

Regulatory Assessment Fees

The bill fixes a "glitch" from the 2003 rate rebalancing bill that allows the PSC to impose a regulatory assessment fee on wireless providers. Commercial mobile radio service providers are not subject to regulatory assessment fees and have not been assessed the fee by the PSC.

Section 3.

911 Fees

The bill amends s. 365.171(13)(a)6., F.S., to delete obsolete language relating to a pilot project that ended June 30, 2003, and the bill removes nonemergency 311 systems and similar nonemergency systems as expenses for which 911 fees may be used. This change addresses a concern that Florida might be considered ineligible to receive federal 911 grant revenue due to the expenditure of 911 funds for nonemergency purposes.

Section 4.

The bill substantially amends s. 365.172, F.S. (wireless emergency telephone number "E911).

Definitions

⁷ The reports were for nine counties (Alachua, Collier, Flagler, Jackson, Lee, Liberty, Miami-Dade, Pasco, and Sarasota), nine municipalities (Anna Maria, Deltona, Jacksonville, Key West, Lake Mary, Ormond Beach, Quincy, Sarasota, and Tarpon Springs), and one state park (Butler Beach).

Subsection 365.172(3), F.S. is amended to add various new terms and previously undefined terms to be used in this section, s. 365.173, (wireless emergency telephone system fund), and s. 365.174, F.S., (proprietary confidential business information) as follows:

- Building-permit review - a review for compliance with building construction standards adopted by the local government under ch. 553, F.S. and does not include a review for compliance with land development regulations.
- Collocation - the situation when a second or subsequent wireless provider uses an existing structure to locate second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.
- Designated service - the configuration and manner of deployment of service the wireless provider has designed for an area as part of the network.
- Existing structure - a structure that exists at the time an application for permission to place antennae on a structure is filed with a local government. The term includes any structure that can structurally support the attachment of antennae in compliance with applicable codes.
- Historic building, structure, site, object or district - any building, structure, site, object, or district that has been officially designated as a historic building, historic structure, historic site, historic object, or historic district through a federal, state, or local designation program.
- Land development regulations - any ordinance enacted by a local government for the regulation of any aspect of the development, including an ordinance governing zoning, subdivisions, landscaping, tree protection, or signs, the local government's comprehensive plan, or any other ordinance concerning any aspect of the development of land. The term does not include any building-construction standard adopted under and in compliance with chapter 553 (building construction).
- Medium County - any county that has a population of 75,000 or more but less than 750,000.
- Office - State Technology Office
- Provider or wireless provider - a person or entity who provides service and either: 1) is subject to the requirements of the order; or 2) elects to provide wireless 911 or E911 service in this state.
- Tower - any structure designed primarily to support a wireless provider's antennae.
- Wireless communications facility - any equipment or facility used to provide service, and may include, but is not limited to antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause an existing structure to become a wireless communications facility.

Authority of Wireless E911 Board

Subsection 365.172(6), F.S., is amended to expand the authority of the Board to allow it to use the revenue collected and deposited into the Wireless Providers Trust Fund (Fund) for grants to rural counties and loans to medium counties to upgrade their E911 systems. Grants provided to rural counties would be in addition to disbursements provided under s. 365.173(2)(c) (revenue collected). Loans provided to medium counties shall be based on county hardship criteria as determined and approved by the Board.

The bill further provides that revenues used for this purpose are to be fully repaid in a manner and timeframe as determined and approved by the Board. The Board shall take all actions within its authority to ensure that county recipients of the grants and loans use the funds only for the purpose under which they have been provided. Moreover, if it is determined that any county used these funds

contrary to the intended purposes, the Board may take any action within its authority to secure county repayment of the grant and the loan revenues.

Authorization is also granted to Board to hire a qualified executive director, and via bid, a private attorney to provide legal services. At this time, the administrative functions of the Board are being performed by the State Technology Office and the Attorney General's Office provides legal counsel.

Wireless E911 Fee

Consistent with Attorney General Opinion #8729, subsection 365.172(8), F.S., is amended to clarify that the wireless E911 fee is not imposed on state and local governments. As a result, these entities are not recognized as customers.

The bill allows the Board to adjust annually the allocation percentages as provided in s. 365.173, F.S. or reduce the amount of the fee, or both, if necessary to ensure full cost recovery or prevent over-recovery of cost incurred in the provision of E911 service.

Facilitating 911 Service Implementation

Subsection 365.172(11), F.S., is amended to provide intent language for the entire subsection that conveys the need for balance between reliable E911 services and governmental zoning and land development regulation. The bill clarifies that for purposes of subsection (11) only, the term "local government" has a limited meaning. It excludes airports from the definition of "local government," and these entities are not regulated by this subsection.

This paragraph goes on to clarify that this subsection does not apply to local governments when they are acting in their role as property owners, but in the use of the property they own, local government cannot use its regulatory powers to avoid compliance with or in a manner that does not advance this subsection.

Paragraph (a) of the subsection provides that existing provisions for collocation have been clarified and divided into three types: 1) under certain circumstances, on existing towers; 2) under certain circumstances, on existing structures; 3) all other collocations.

For collocation on existing towers in 1.a., the process is simpler and calls for only a building permit review by local government for tower collocations that meet certain conditions. These conditions are:

- The collocation does not increase the height of the tower to which the antennae are attached
- The collocation does not increase the ground space area
- The collocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions or conditions, if any, that applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, those applied to the tower supporting the antennae.

Further, for collocation on other existing structures in 1.b., except for historic buildings, structures, sites, objects or districts, or a tower included in 1.a., that meet certain conditions are subject to a building permit review and an administrative review but are not subject to any portion of the local government's land development regulations that are not addressed herein, or to public hearing or public input review. These conditions for this type of collocation are as follows:

- The collocation does not increase the height of the existing structure to which the antennae are attached
- The collocation does not increase the ground space area

- The collocation consists of antenna(e), equipment enclosures, and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure, but not prohibitions or restrictions on the placement of additional collocations on the existing structure or procedural requirements
- The collocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that applied to the initial antennae placed on the structure and to its accompanying equipment enclosures and ancillary facilities and, if applicable, that applied to the structure supporting the antennae.

Also, paragraph c. provides that regulations, restrictions, conditions, or permits of the local government, acting in its regulatory capacity, that limit the number of collocations or require review processes inconsistent with this subsection shall not apply to collocations addressed in this subparagraph.

Further, paragraph d. summarily reads that if only a portion of the collocation does not meet the requirements of this subparagraph, where all other portions meet the requirements, that portion only of the collocation may be reviewed under the local government's regulations that are applicable to an initial placement of that portion of the facility, within the review timeframes of subparagraph (d)2., and the rest of the collocation shall be reviewed in accordance with this subparagraph.

Moreover, a collocation proposal under this subparagraph that increases the ground space area that was approved in the original site plan for equipment enclosures and ancillary facilities by no more than a cumulative 400 square feet or 50% of the original compound size, whichever is greater, shall require no more than an administrative review for compliance with local government's regulations, with no public hearing or public input review.

The bill additionally provides that a collocation that does not meet the requirements of subparagraph 1., the local government may review the application under the local government regulations which are applicable to an initial antenna(e) placement and its accompanying equipment enclosure and ancillary facilities.

The bill provides that the owner of the existing tower on which a collocation is to be located is still responsible for complying with the conditions that were placed on the tower when it was approved, as long as those conditions do not conflict with this statute.

The bill provides that an existing tower, including a nonconforming tower, may be structurally modified to permit collocation or be replaced through no more than an administrative and building permit review, provided that the overall height is not increased and, if replaced, the replacement tower is a monopole, or if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower.

The bill clarifies that local governments are to review only land development and zoning issues in their evaluation of wireless facilities. The business need for the service is not reviewable, unless the provider voluntarily offers the information. The local government may not require information on or evaluate the provider's designated service unless it is directly related to an identified land development or zoning issue or the provider voluntarily offers the information.

The bill provides that the setback or distance separation required may not exceed the minimum distance needed to satisfy structural safety or aesthetic concerns that are protected by the setback distance or distance separation.

The bill allows local governments to ban all wireless facilities in residential areas only if it is possible for a provider to still serve the area. If the residential area cannot reasonably be served, the local government and the provider must work together to find a suitable location to provide the provider's service to the residential area.

The fees a local government charges for review and permitting of wireless facilities must be reasonable and be similar to other fees the jurisdiction charges. The local government may retain experts to review the applications against the applicable codes, but the expert fees imposed on the provider must be reasonable and tied to identified expenses. Additionally, the local government may impose a reasonable surety requirement to ensure removal of abandoned wireless facilities.

The bill also provides that a local government's construction requirements for the construction or modification of wireless facilities beyond those adopted by the local government under ch. 553, F.S.⁸, and these standards apply to all similar structures.

A local government may not require a wireless provider to provide evidence of a facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended⁹. A local government may request evidence of proper FCC licensure or other evidence of FCC authorized spectrum use from a provider.

The bill clarifies the timeframes in the existing statute. It requires local governments to grant or deny each properly completed application for a collocation within the normal timeframe for a similar building permit review but in no case later than 45 business days after the application is deemed properly completed.

In addition, it requires local governments to grant or deny each properly completed application for any other wireless communications facilities within the normal time frame for a similar building permit review but no later than 90 business days after the application is determined to be properly completed. The building permit review portion of the local government review must be completed within the normal timeframe for a similar review, but no later than 45 days after the application is completed.

The bill also clarifies the provisions for determining when an application is complete and what happens if it were not completed. The bill provides that the application is deemed submitted or resubmitted on the date it is received by local government. The local government shall notify the applicant, in writing, within 20 business days after the application is initially submitted as to whether the application is properly completed and has been properly submitted. The determination shall not be deemed as an approval of the application.

If the application is not completed, the notification must indicate with specificity any deficiencies in the required documents or in the content of the required documents which, if cured, make the application properly completed. Upon resubmission, the local government shall notify the applicant, in writing, within 20 business days whether the application is properly completed or if there are any remaining deficiencies.

Any deficiencies in document type or content not specified by the local government do not make an application incomplete and are waived. If a specified deficiency is not properly cured when the applicant resubmits the application to comply with the notice of deficiencies, the local government may continue to request the information until the specified deficiency is cured. The local government may establish reasonable timeframes for the information to cure the deficiency is to be provided or the application will be considered withdrawn or closed.

If the local government fails to grant or deny a properly completed application for a wireless facility within the timeframes set forth, the application shall be deemed automatically approved and the applicant may proceed with placement of the facilities with interference or penalty. The timeframes may be extended only to the extent an application has not been granted or denied because the local

⁸ Ch. 533, F.S. concerns Building Construction Standards

⁹ 14 C.F.R., s. 77, relates to objects affecting navigable airspace

government's procedures generally applicable to all other similar types of applications require action by the governing body and such action has not taken place within the timeframes specified.

The bill deletes 365.172(11)(d), F.S., as unnecessary and, in part, conflicting with the other provisions of the statute.

The bill adds 365.172(11)(e), F.S., to indicate that simple replacements, such as replacing a burnt-out antenna panel or upgrading equipment in the equipment enclosure. If there is no discernable visual difference, such replacements are freely allowed.

Section 365.172(11)(g), F.S., is also added to indicate that actions on wireless facilities brought in court or in other appropriate venues are to be heard on an expedited basis.

Paragraph (f) of s. 365.172(11), F.S., is deleted to remove obsolete language.

Section 5.

Wireless Emergency Telephone System Fund

The bill amends s. 365.173(2), F.S., relating to the Wireless Emergency Telephone System Fund to include s. 365.172(6)(a)(3) in the provision relating to disbursement of revenue deposited into the fund. A paragraph is also added that requires a county to establish a fund solely for the receipt and expenditure of 911 funds and to ensure that such funds are used exclusively for the recurring costs of providing 911 or E911 service, or complying with FCC rules. The bill also eliminates language to provide that a county may carry forward up to 30% of the total funds disbursed by the Board.

Eliminated by the bill's provisions, and recommended by the Auditor General, is the requirement that the Auditor General annually audit the Wireless Emergency Telephone Trust Fund. The Auditor General has recommended this change because trust funds of State agencies, including this one, are included in the biannual operational audits of State agencies, in the annual audit of State government, and that counties must comply with the Single Audit Act.

Section 6.

Use of Right-of-Way for Utilities

The bill amends s. 337.401(3)(a)1., F.S., to eliminate any reference to local government zoning authority in the statute dealing with the Community Service Tax and use of rights-of-way.

Section 7.

Effective Date

This act takes effect on July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Amends s. 11.45, F.S., to remove the requirement that the Auditor General annually audit the Wireless Emergency Management Trust Fund.

Section 2. Amends s. 364.02, F.S., removes "glitch" language relating to regulatory assessment fees.

Section 3. Amends s. 365.171, F.S. to delete an obsolete language for an expired pilot project and removes nonemergency systems as expenses for which 911 fees may be used.

Section 4. Amends s. 365.172, F.S., adds definitions, expands the authority of the wireless E911 Board, amends the wireless fee provision, and adds provisions concerning the facilitation of wireless E911 implementation.

Section 5. Amends s. 365.173, F.S., relating to the Wireless Emergency Telephone System Fund.

Section 6. Amends s. 337.401, F.S., deletes language relating to the elimination of reference to local government zoning authority in the statute dealing with the Community Service Tax and use of rights-of-way.

Section 7. This act takes effect on July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There may be some cost savings with removing the requirement that the Auditor General annually audit the Wireless Emergency Telephone System Fund and incorporating the audit of this fund into other governmental audits.

2. Expenditures:

The bill allows the Board to hire an Executive Director and outside counsel. If the Board hires and Executive Director there will be salary and benefit expenditures associated with this position and costs of legal services

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Local governments may lose revenue if they are currently requiring wireless providers to pay higher permit fees than they are requiring other entities for other permit reviews.

The bill exempts local governments from paying wireless E911 fees, which may provide savings to local governments.

2. Expenditures:

There may be some expenses associated with setting up a separate account for wireless E911 fees and incorporating it into the county's annual audit.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

With fewer restrictions to wireless sites, wireless providers should find it easier to site E911 facilities.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 10, 2005, the Utilities & Telecommunications Committee adopted a strike-all amendment to the bill. This amendment was agreed upon by the wireless providers, cities, and counties. It addresses various concerns that the stakeholders had concerning the original bill. The amendment added the deletion of language concerning the use of 911 fees. It also added or clarified language concerning the following:

- Allow the wireless E911 Board to provide grants or loans to small or medium counties for purposed of upgrading E911 systems
- Clarifies and bifurcates the provisions concerning collocation
- Clarifies that the bill does not apply to local governments when they are acting as property owners
- Clarifies the provisions encouraging the collocation of antennas on towers and other structures
- Allows local governments to ban all wireless facilities in residential areas only if it is possible for a provider to still serve the area
- Further clarifies provisions relating to the modification or replacement of existing towers; local government review of business need for the service at a particular location; fees and other financial requirements on wireless facilities, including review by outside experts.